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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,322	12/28/2001	John H. Moore	028650-064	4738

21839 7590 03/10/2004

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EXAMINER

HAILEY, PATRICIA L

ART UNIT PAPER NUMBER

1755

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary

Application No.

10/028,322

Applicant(s)

MOORE, JOHN H.

Examiner

Patricia L. Hailey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 16-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date May 24, 2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

1. Applicant's election with traverse of Group I, claims 1-15, filed on August 28, 2003, is acknowledged. The traversal is on the ground(s) that "there is sufficient interrelationship between the various groups of claims to warrant examination of all the claims in a single application", that "a complete search of any of the groups of claims would turn up relevant art with regard to the other groups of claims, and thus not pose an undue burden on the U. S. Patent and Trademark Office should all of the claims be examined at one time", and that "examining all the claims in the subject application would reduce the clerical and paper load for both the U. S. Patent and Trademark Office, as well as Applicant, and thus be a benefit." This is not found persuasive because restriction requirements are not based on issues such as "paper load", compact examination, or the discovery of relevant art encompassing all three groups of Applicants' claims. The basis of restriction requirements lies in whether the inventions are independent and distinct, as has been stated in the Restriction Requirement of the previous Office Action.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 16-37 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected process for polymerizing hydrocarbons (Group II, claims 16-28), reactor system (Group III, claims 29-35), and process for making a catalyst (Group IV, claims 36 and 37), there being no allowable generic or linking claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Jacobs et al. (U. S. Patent No. 5,510,056), Applicant's submitted art.

Jacobs et al. teach catalyst compositions comprising a catalytically active component, most suitably supported on a carrier. The catalyst compositions may be retained in the form of a fixed arrangement, such as a single monolith structure, or a number of separate monolith structures combined to form the fixed arrangement. A preferred monolith structure comprises a ceramic foam. See col. 5, lines 26-64 of Jacobs et al.

Additionally, the fixed arrangement comprises a number of "pores", defined as a space or interstice between two adjacent portions of the catalyst composition, or, when referring to monolith structures (e.g., ceramic foams), as the openings or spaces between adjacent portions or lands of the ceramic structure. See col. 6, lines 16-32 of Jacobs et al.

In view of these teachings, Jacobs et al. anticipate claim 1.

Allowable Subject Matter

5. Claims 2-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not teach or reasonably suggest the limitations of claims 2-25, namely the properties of the claimed "ceramic foam material", and the claim limitations regarding the catalyst material.

Kyo et al. (U. S. Patent No. 3,947,504) teach an acidic catalyst such as phosphoric acid deposited on or incorporated in a carrier substance such as diatomaceous earth (col. 2, lines 31-40). However, this reference does not teach or suggest the presence of a ceramic foam material.

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Britton (U. S. Patent No. 3,686,334) teach a catalyst consisting of a sesqui-phosphoric acid active ingredient impregnated on an inert support material, such as diatomaceous earth, kieselguhr, or silicon carbide (col. 2, line 27 to col. 3, line 8). This reference does not teach or reasonably suggest the presence of a ceramic foam material, or that the silicon carbide is in the form of a ceramic foam material interspersed between the catalyst particles. Rather, the teachings of this reference read on claims 13-15 of the instant application, i.e., the "solid catalyst particles".

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

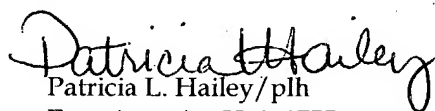
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-1369. The examiner can normally be reached on Mondays-Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark L. Bell can be reached on (571) 272-1362. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L. Hailey/plh
Examiner, Art Unit 1755
March 4, 2004



Mark L. Bell
Supervisory Patent Examiner
Electronic Business Center 1700